IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO :4983 of 2006

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Dated: 17th March 2006.

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Between:

Ch.V.M.Satyanarayana

..... PETITIONER

AND

The Superintending Engineer, A.M.R.P. Circle No.II, G.V.Gudem, Nalgonda District and others

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

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W.P.NO.4983 OF 2006

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ORAL ORDER:

(Per the Hon'ble Sri Justice M.Venkateswara Reddy)

This writ petition is directed against an order dated 28th February 2006, made by the Andhra Pradesh Administrative Tribunal, in O.A.No.5902 of 2003, dismissing the application of the petitioner filed questioning the Office Order No. SE/AMRP.II/S2/EC.7/2721/04.557M, dated 01-09-2003, issued by the first respondent, informing that his services would be terminated in terms of Rule 17(ii) of the A.P. State and Subordinate Service Rules, 1996, after one month from the date of receipt of the said order.

The petitioner was appointed as a Junior Assistant consequent upon the retirement of his father on medical invalidation, under an Executive Order.

A full Bench of this Court in GOVERNMENT OF ANDHRA PRADESH AND OTHERS v. D.GOPAIAH , held that appointment on medical invalidation does not satisfy the requirements of Article 16 of the Constitution of India and any scheme formulated by the State providing for such compassionate appointment is unconstitutional.

In that view of the matter, the Tribunal held that the O.A. itself is not maintainable and dismissed the application.

Inasmuch as the Full Bench held that the appointment made on medical invalidation does not satisfy the requirements of Article 16 of the Constitution of India, this writ petition is liable to be dismissed.

Accordingly, the present writ petition is dismissed at the stage of admission. No costs.

J.Chelameswar, J

M.Venkateswara Reddy, J

mrk

17th March 2006.